

RECEIVED

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 12 2008

MAY 15 2008

APR 24 2008

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL

on

MULTIDISTRICT LITIGATION

IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION

MDL No. 1938

HEREBY CERTIFY that the above assignment is a true and correct copy of the original on file in my office

(SEE ATTACHED SCHEDULE)

ATTEST:
WILLIAM T. WALSH, Clerk
United States District Court
District of New Jersey

CONDITIONAL TRANSFER ORDER (CTO-1)

by **JOHN ICKLAN**

On April 8, 2008, the Panel transferred 21 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Dennis M. Cavanaugh.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Cavanaugh.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of April 8, 2008, and, with the consent of that court, assigned to the Honorable Dennis M. Cavanaugh.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffery M. Luthi
Clerk of the Panel

A CERTIFIED TRUE COPY

MAY 12 2008

ATTEST: 
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE	
ALM 2 08-129	John D. Swindall v. Merck & Co., Inc., et al.
ALABAMA NORTHERN	
ALN 1 08-279	Thomas L. Sizemore v. Merck & Co., Inc., et al.
ALN 2 08-134	Constantine Kanakis, et al. v. Merck & Co., Inc., et al.
ARKANSAS EASTERN	
ARE 4 08-86	John H. Stanley, Jr. v. Merck & Co., Inc., et al.
ARE 5 08-42	Juanita Sloan v. Merck & Co., Inc., et al.
ARIZONA	
AZ 2 08-360	Robert S. Leyin v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
CALIFORNIA CENTRAL	
CAC 2 08-1038	Glenda Morgan v. Merck & Co., Inc., et al.
CAC 2 08-1499	Ronald Dossey v. Merck & Co., Inc., et al.
CALIFORNIA EASTERN	
CAE 2 08-355	Carolyn Boyle v. Merck & Co., Inc., et al.
CALIFORNIA NORTHERN	
CAN 4 08-929	Mircea Muresan v. Merck & Co., Inc., et al.
DELAWARE	
DE 1 08-176	Elaine Hawk v. Merck & Co., Inc., et al.
FLORIDA MIDDLE	
FLM 6 08-153	Alma Hooks, et al. v. Merck & Co., Inc., et al.
FLM 6 08-178	Stephen Greenwell v. Merck & Co., Inc., et al.
FLORIDA NORTHERN	
FLN 5 08-58	Jean T. Smith v. Merck & Co., Inc., et al.
FLORIDA SOUTHERN	
FLS 1 08-20317	Moises Selesky v. Merck & Co., Inc., et al.
GEORGIA NORTHERN	
GAN 1 08-309	Dewey Eugene Keith, et al. v. Merck & Co., Inc., et al.
GAN 1 08-417	Gregory Flynn v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)**DIST. DIV. C.A. #****CASE CAPTION****IOWA NORTHERN**

IAN 2 08-1007

Donald Pierce, et al. v. Merck & Co., Inc., et al.

IOWA SOUTHERN

IAS 1 08-13

James A. Pratt v. Merck & Co., Inc., et al.

IAS 4 08-81

Donna Greenley v. Merck & Co., Inc., et al.

ILLINOIS SOUTHERN

ILS 3 08-67

Christina Robin Wallace, et al. v. Merck & Co., Inc., et al.

ILS 3 08-163

Mary Trebilcock v. Merck & Co., Inc., et al.

ILS 3 08-191

Jerry Kee, et al. v. Merck & Co., Inc., et al.

INDIANA SOUTHERN

INS 1 08-210

June Wilkins v. Merck & Co., Inc., et al.

INS 1 08-335

Rick Lane v. Merck & Co., Inc., et al.

INS 1 08-470

Edna Appel v. Merck & Co., Inc., et al.

KANSAS

KS 2 08-2163

Lois Roberta Bowers v. Merck & Co., Inc., et al.

LOUISIANA EASTERN

LAE 2 08-784

Kelly Fontana, et al. v. Merck & Co., Inc., et al.

LAE 2 08-1235

Louisiana Health Service & Indemnity Co., etc. v. Merck & Co., Inc., et al.

MASSACHUSETTS

MA 1 08-10109

Edward Arasimowicz v. Merck & Co., Inc., et al.

MARYLAND

MD 1 08-860

Mitchell Peiser v. Merck & Co., Inc., et al.

MAINE

ME 2 08-58

Barry Zimmerman v. Merck & Co., Inc., et al.

MINNESOTA

MN 0 08-220

Daniel L. Tollefson, Sr. v. Merck & Co., Inc., et al.

MISSOURI EASTERN

MOE 4 08-123

Chong Badgley v. Merck & Co., Inc., et al.

MOE 4 08-295

William G. Krejci v. Merck & Co., Inc., et al.

MOE 4 08-308

Robert L. Scheu v. Merck & Co., Inc., et al.

MOE 4 08-315

Timothy J. Leyes, Sr. v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MISSOURI WESTERN	
MOW 2 08-4021	Steve Dillon, et al. v. Merck & Co., Inc., et al.
MOW 4 08-145	Marie Maley v. Merck & Co., Inc., et al.
MOW 4 08-153	Beverly Walden v. Merck & Co., Inc., et al.
MOW 4 08-172	Anthony Neland v. Merck & Co., Inc., et al.
MOW 4 08-187	Wei Chan v. Merck & Co., Inc., et al.
MOW 6 08-3119	John Grant, et al. v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
MISSISSIPPI SOUTHERN	
MSS 2 08-74	Iley Joe Payne v. Merck & Co., Inc., et al.
MSS 5 08-10	Roy Davis v. Merck & Co., Inc., et al.
MONTANA	
MT 6 08-18	Janet Lamping v. Merck & Co., Inc., et al.
NORTH CAROLINA WESTERN	
NCW 3 08-66	Susan Bodnar v. Merck & Co., Inc., et al.
NEBRASKA	
NE 8 08-147	Robert Stanley v. Merck & Co., Inc., et al.
NEW MEXICO	
NM 6 08-89	Reverend John Carl Adams v. Merck & Co., Inc., et al.
NEVADA	
NV 3 08-64	Bruce J. Bitter, et al. v. Merck & Co., Inc., et al.
NEW YORK EASTERN	
NYE 2 08-344	Andrew Schwaeber v. Merck & Co., Inc., et al.
OKLAHOMA EASTERN	
OKE 6 08-110	Sharon Loeffler v. Merck & Co., Inc., et al.
PUERTO RICO	
PR 3 08-1206	James Cumba, et al. v. Merck & Co., Inc., et al.
SOUTH CAROLINA	
SC 0 08-518	Gloria Brown v. Merck & Co., Inc., et al.
SC 3 08-318	Jeffrey D. Morgan, M.D. v. Merck & Co., Inc. et al.
TENNESSEE EASTERN	
TNE 1 08-33	Evelyn Igou, et al. v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)**DIST. DIV. C.A. #****CASE CAPTION****TENNESSEE WESTERN**

TNW 1 08-1043

Gary Lackey v. Merck & Co., Inc., et al.

TEXAS EASTERN

TXE 9 08-19

Robert S. Love v. Merck & C., Inc., et al.

TEXAS SOUTHERN

TXS 2 08-34

Roberto DeLeon v. Schering-Plough Corp., et al.

TXS 3 08-84

James J. Janik v. Merck & Co., Inc., et al.

WEST VIRGINIA SOUTHERN

WVS 3 08-162

Virginia Miller, et al. v. Merck & Co., Inc., et al.

WVS 3 08-195

Debra Lynn Lewis, et al. v. Schering-Plough Pharmaceuticals, Inc., et al.

UNITED STATES DISTRICT COURT
MARTIN LUTHER KING, JR.
FEDERAL BLD & U.S. COURTHOUSE
NEWARK, N.J. 07101-0419

William T. Walsh
Clerk

USPO & Courthouse
401 Market Street
Camden, N.J. 08101

P.O. BOX 419

(973) 645-4555

TRENTON OFFICE

Trenton, N.J. 08603

402 East State Street
P.O. Box 515

Date: May 22, 2008

Re: MDL -1938 – In re Vytarin/Zetia Marketing, Sales Practices and Products Liability Litigation
District Court Case Numbers Unassigned Pending Case Extraction

Dear Clerk:

Enclosed is a certified copy of the Order of the Judicial Panel on Multidistrict Litigation, transferring the actions listed in that order, and presently pending in your Court, to the District of New Jersey, and assigned to the Honorable Dennis M. Cavanaugh, USDC for coordinated or consolidated pretrial proceedings pursuant to 28 USC 1407.

If your court is currently on CM/ECF Version 3.0, you can transfer the case to use via Case Extraction in Utilities. If you have any questions, please contact Ms. Charles Sanders at 973-645-4582. Please return a copy of this letter when transmitting your files and certified copies of the docket sheets.

Very truly yours,

WILLIAM T. WALSH, Clerk

/s/ John Icklan, Deputy Clerk

Enc.

cc: Jeffrey N. Luthi
Clerk, Judicial Panel on Multidistrict Litigation